

FISCAL NOTE

HB 2647 - SB 2824

February 5, 2008

SUMMARY OF BILL: Requires a life without parole sentence for the offenses of being a child sexual predator, child rape or aggravated rape of a child if at least one of the offenses occurred on or after July 1, 2008.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$16,555,700/Incarceration*

Assumptions:

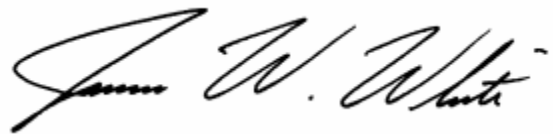
- During FY07, there were 57 offenders admitted for Class B predatory offenses, 131 offenders admitted for Class C predatory offenses, and 46 offenders admitted for Class A child rape offenses. DOC estimates that 10 percent (6) of the Class B predatory offenders would have prior convictions and would serve life without parole rather than the current eight-year sentence as a result of this bill. Population growth of 1.09 percent per year will result in one additional offender in the tenth year. The maximum cost in the tenth year is based on seven offenders serving additional time on their sentences. The cost per inmate at 8.0 years is \$183,443.16 (\$62.78 x 2,922 days). The cost per inmate in the tenth year is \$412,747.11 (\$62.78 x 6,574.50 days). The additional cost of increasing the average sentence length from 8.0 years to life without parole is \$229,303.95 (\$412,747.11 - \$183,443.16). The total additional cost for seven offenders is \$1,605,127.65 (\$229,303.95 x 7).
- DOC estimates that 10 percent (13) of the Class C predatory offenders would have prior convictions and would serve life without parole rather than the current three-year sentence as a result of this bill. Population growth of 1.09 percent per year will result in one additional offender in the tenth year. The maximum cost in the tenth year is based on 14 offenders serving additional time on their sentences. The cost per inmate at 3.0 years is \$68,791.19 (\$62.78 x 1095.75 days). The cost per inmate in the tenth year is \$298,095.14 (\$62.78 x 4,748.25 days). The additional cost of increasing the average sentence length from 3.0 years to life without parole is \$229,303.95 (\$298,095.14 - \$68,791.19). The total additional cost for 14 offenders is \$3,210,255.30 (\$229,303.95 x 14).

- Forty-six offenders would serve life without parole sentences for child rape offenses rather than the current 25-year sentence as a result of this bill. Population growth of 1.09 percent per year will result in five additional offenders in the tenth year. The maximum cost in the tenth year is based on 51 offenders serving additional time on their sentences. The cost per inmate at 25.0 years is \$573,259.88 (\$62.78 x 9,131.25 days). The cost per inmate in the tenth year is \$802,563.83 (\$62.78 x 12,783.75 days). The additional cost of increasing the average sentence length from 25.0 years to life without parole is \$229,303.95 (\$802,563.83 - \$573,259.88). The total additional cost for 51 offenders is \$11,694,501.45 (\$229,303.95 x 51).
- One additional person every five years will be convicted of aggravated child rape with 50 years time served. The maximum cost in the tenth year is \$229,303.95 (\$62.78 x 3,652.50 days). The annualized time served per conviction is 730.50 days (0.20 annual number of convictions x 3,652.25 days). The annualized cost per conviction is \$45,860.79 (\$62.78 x 730.50 annualized days).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc